April 11-12, 2019

AMERICAN BAR ASSOCIATION
Section of State and Local Government Law
Continuing Legal Education

33rd Annual
Land Use Institute:
Planning, Regulation, Litigation,
Eminent Domain, and Compensation

Cosponsored by

(Others to be announced, including financial co-sponsors.)

Thursday and Friday, April 11-12, 2019

Course Venue
John and Frances Angelos Law Center
University of Baltimore School of Law
Baltimore, MD

Hotel
Royal Sonesta Harbor Court
Baltimore, MD

WHY ATTEND
Local government land use decisions affect economic development and quality of life. They can also create major challenges to efforts by property owners to develop and use their property, as well as to residents as they cope with growth and change.

This Annual Land Use Institute program is designed for attorneys, professional planners, and government officials involved in land use planning, zoning, permitting, property development, conservation and environmental protection, and related litigation. It not only addresses and analyzes the state-of-the-art efforts by government to manage land use and development, but also presents the key issues faced by property owners and developers in obtaining necessary governmental approvals. In addition, the entire approach of the program is to provide practice pointers that give immediate “take home value” by focusing on topics relevant to the average practice of the attendee.

This outstanding program features:

• Preeminent faculty of practitioners and academics who provide nationwide perspective
without losing sight of state specific issues;
• Critical review and analysis of the most important new decisions;
• Practice-oriented discussion of basics and “hot” topics;
. Guidance on routine and complex procedural issues; and
• Outstanding networking opportunities, including continental breakfast, breaks and a
Joint reception for registrants and faculty with participants in the ABA State and Local
Government Law Section Spring Meeting.

This course is an investment in your practice, in your career, in your ability to get out ahead of
the competition in serving your clients, and in the appreciation and intellectual satisfaction you
can get only from having knowledge of land use at the cutting edge.

WHAT YOU WILL LEARN
This course of study, comprising 11.5 hours of instruction, including 1.5 hours of Ethics, is
designed to provide an effective and efficient review of current issues in land use for attorneys,
planners, public officials, developers, and academics. Now in its 33rd year, the Land Use Institute
has earned its role as one of the most comprehensive land use continuing education program
available.

The schedule of the presentations and panels of the Land Use Institute has been designed to
accommodate the program of the State & Local Government Spring Conference, facilitating the
ability to travel between venues to attend desired sessions at each location.
Special features of the 2019 Land Use Institute include:

Update on Planning, Land Use, and Eminent Domain Decisions
The year’s course begins with a Thursday afternoon panel discussion of recent court decisions,
providing a common foundation for all registrants to build a better understanding of the current
state of land use law. Among the subject areas where cases will be addressed (subject to change)
are:

Affordable Housing; Comprehensive Planning; Eminent Domain; Energy; Exactions; First
Amendment; Group Homes/Sober Homes; Historic Preservation; Impact Fees; Moratoria; Public
Trust Doctrine; Religious Land Use, Short-Term Rentals; Takings; Tax Increment Finance;
Variances; Vested Rights and Wetlands.

Ethical and Professionalism Considerations for the Land Use Practitioner and Government
Lawyer
The Thursday afternoon session includes a 1.5 hours of ethics and professionalism instruction. The
session will be an update of key issues facing practitioners, and will include audience
participation.

Federal Housing Administration (FHA) Discrimination
The Thursday afternoon session concludes with a detailed review of the issue of housing
discrimination by the Forum on Affordable Housing:

Your Money's No Good Here: Source of Income Discrimination in Maryland Housing
(non-CLE)
Source of Income (SOI) discrimination has long plagued low-income individuals seeking housing. Many that are forced to pay rent with government vouchers, veteran’s benefits, social security payments and the like are often denied housing by landlords as a pretext for prohibited discrimination based on race, disability, national origin and more. This program will discuss advocacy strategies for capitalizing on this momentum to pass SOI anti-discrimination laws in Maryland.

**Annual Richard F. Babcock Faculty Keynote Address**
The Friday morning session begins with the Annual Richard F. Babcock Faculty Keynote Address. Richard F. Babcock was one of the twentieth century's greatest land use attorneys, and the first Chair of the predecessor to the *Land Use Institute*. In his honor, each year a selected faculty member presents a major address on a topic of substantial current interest.

**Federal Laws, Regulations, and Programs Affecting Local Land Use Decision-Making**
The federal government continues to encroach upon local government decision-making through a variety of policies and programs. This Friday morning session presents major current issues as they relate to environmental protection and real estate development at the local level, including the roll-back of regulations in selected programs. Among the topics to be discussed in detail (subject to change) are:

- Climate Change/Sea Level Rise
- Endangered Species
- Energy
- Hazardous Materials
- Historic Preservation
- Housing
- Hydraulic Fracturing
- NEPA
- Religious Land Use
- Opportunity Zones
- Utility Transmission Lines
- Water and Wetlands

**Hot Topic Concurrent Sessions**
In response to registrants' requests for the opportunity to examine current issues in greater detail, Friday afternoon there are two sets of concurrent sessions and a plenary final session to provide a detailed analysis covering both "hot" topics and traditional critical practice areas. Faculty members summarize their prepared materials, overview key aspects of the topic, and provide ample time for participants’ questions. Topics this year (subject to change) include:

Concurrent Session One

- Nuts and Bolts of Land Use Practice: Bringing and Defending a Takings Case
- The Latest Urban Redevelopment Incentive: Opportunity Zones/Opportunity Funds
- Update on Form Based Codes

Concurrent Session Two

- Nuts and Bolts of Land Use Practice:
- Land Use Economics—Presenting Economic Benefits and Economic Costs
- Effective Legal Tools for Problem and Distressed Properties
Climate Change and Resilient Development

The final plenary session is jointly sponsored with the ABA Forum on Affordable Housing and Community Development Law. This session will review current issues dealing with Affordable Housing.

Time is set aside throughout the program for faculty interaction and to address written questions submitted by the registrants, both in advance of and during the program. Continuing the tradition of expanded networking opportunities, there will be morning and afternoon breaks, a Thursday reception for registrants and faculty following the Program (held jointly with the ABA Section of State and Local Government Law Meeting participants and other co-sponsor organizations), and a Friday continental breakfast, a Friday Women in the Law Luncheon Session and a Young Practitioners Luncheon Session. After the Program ends on Friday, through the ABA Section of State and Local Government Law, there will be an optional tour and dinner.

The distinguished panel of diverse national faculty includes (and subject to change):

**Planning Chair** (also on faculty)

Frank Schnidman, former Distinguished Professor of Urban and Regional Planning, and former John M. DeGrove Eminent Scholar Chair, Florida Atlantic University, Boca Raton, FL

**Planning Co-Chair** (also on faculty)

Patricia E. Salkin, Provost for the Graduate and Professional Division, Touro College, New York, NY
PROGRAM
(All times are Eastern Standard Time)

Thursday, April 11, 2019

12:30 p.m. Registration

1:00 p.m. Welcome –
       Course Overview – Mr. Schnidman

1:45 p.m. Update on Planning, Land Use, and Eminent Domain Decisions –

3:45 p.m. Networking and Refreshment Break

4:00 p.m. Ethical and Professionalism Considerations for the Land Use Practitioner and Government Lawyer

5:30 p.m. Federal Housing Administration (FHA) Discrimination

6:30 p.m. Adjourn for the day and Joint Welcome Reception held at School of Law with the ABA Section of State and Local Government Law Meeting participants and other co-sponsor organizations

Friday, April 12, 2019

8:00 a.m. Networking and Continental Breakfast

8:30 a.m. Welcome

8:45 a.m. Annual Richard F. Babcock Faculty Keynote Address:
       “TBD”
       – Introduction by Mr. Schnidman

9:45 a.m. Networking and Refreshment Break

10:00 a.m. Federal Laws, Regulations, and Programs Affecting Local Land Use Decision Making

11:30 a.m. Lunch Break (Sponsored On-Site Box Lunch)

Women in the Law Luncheon Session (Co-Chairs Mss. Rosenthal and Salkin)
Young Practitioners Luncheon Session (Co-Chairs Messrs. Merriam and Gowder)

1:00 p.m. CONCURRENT HOT TOPICS SESSIONS
       • Nuts and Bolts of Land Use Practice: Bringing and Defending a Takings
Case

• The Latest Urban Redevelopment Incentive: Opportunity Zones/Opportunity Funds

• Update on Form Based Codes

2:30 p.m. Networking and Refreshment Break

2:45 p.m. CONCURRENT HOT TOPICS SESSIONS

• Nuts and Bolts of Land Use Practice: Land Use Economics—Presenting Economic Benefits and Economic Burdens

• Effective Legal Tools for Problem and Distressed Properties

• Climate Change and Resilient Development

4:15 p.m. Networking Break

4:30 p.m. Affordable Housing (Working Title)
Jointly Sponsored with the Forum on Affordable Housing

6:00 p.m. Adjournment

6:30 p.m. Optional Tour and Dinner with Section of State and Local Government Law
Reginald F. Lewis Museum of Maryland African American History & Culture

Total 60-minute hours of instruction: 11.5, including 1.5 hours of Ethics
LAND USE INSTITUTE VENUES

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